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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,036	07/14/2000	Woo Hyun Paik	0630-1127P	6100

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EXAMINER	
LONSBERRY, HUNTER B	
ART UNIT	PAPER NUMBER
2421	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/617,036	PAIK ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40-53 and 55-79* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *55-61,65-68 and 73-79* is/are allowed.

6)☒ Claim(s) *40, 41, 44, 48, 62, and 69* is/are rejected.

7)☒ Claim(s) *42,43,45-47,49-53,63,64 and 70-72* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 40, 41, 44, 48, and 69 is withdrawn in view of the newly discovered reference(s) to Barzegar and Borth Rejections based on the newly cited reference(s) follow.

Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claims 55-61, 65-68, and 73-79 are allowed.

Claims 42, 43, 45, 46-47, 49-53, 63-64, 70-72, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 9/2/08 have been fully considered but they are not persuasive.

Applicant argues that Barzegar does not convert a broadcast TV signal until it has actually reached base station 101 which does the conversion and transmission in a format used by a mobile personal communicator 124 which has access to a base station 101 via radio links. Nor does Barzegar disclose transmission of broadcast TV to personal communicator 124 via telephone. A fair reading of Barzegar is directed to broadcasting a TV program in a unidirectional signal from wide area network 131 without any conversion whatsoever to mobile radio transmitter 101 which rebroadcasts the TV signal. (Page 3).

The Examiner respectfully disagrees. The examiner notes that the independent claims are silent as to where the conversion takes place. As correctly noted by applicant the conversion and transmission occurs at base station 101. Barzegar does disclose that a video service may be provided which is an unidirectional down stream signal with an upstream data signal.

Barzegar discloses that base station 1101 provides at least one broadcast video signal, at least one sectorized video signal and at least one audio signal which are all sectorized services. The audio signal may be common telephone service or ISDN service (column 2, line 63-column 3, line 9). The wireless sectorized service must be a telephone compatible network if it is offering telephone services between base station 101 and personal communicator 124, in particular as network 131 accepts upstream audio signals from base station 101.

Barzegar teaches converting baseband video signals via video subprocessor 303 and converting it into a format capable of being transmitted to a particular wireless sector of a telephone compatible network (column 4, lines 34-54). While sectors may be part of a cell, it is unclear if the telephone wireless sectorized network of Barzegar utilizes cellular technology.

Borth discloses transmitting HDTV, SDTV, VOD signals on a cellular network (column 4, lines 14-43), in which TDMA is utilized (column 5, lines 25-35). Borth notes that in the prior art, that ATV/HDTV signals require a large bandwidth and transmitting these types of signals in a cellular pattern has not been considered feasible and there is a need for a method for efficient distribution of these signals in a cellular pattern (column 1, lines 23-33, 58-63). Borth inherently converts the television signals to a cellular pattern as television content does not originate in a cellular format for distribution.

Applicant argues that Borth is completely silent as to how and where its multimedia HDTV signal is converted into a format compatible with a signal and transmission standard of a mobile cellular telephone network. (page 4).

The Examiner agrees that Borth does not disclose how to convert a TV signal to a cellular telephone standard. As discussed above, Borth notes that in the prior art, that ATV/HDTV signals require a large bandwidth and transmitting these types of signals in a cellular pattern has not been considered feasible and there is a need for a method for

efficient distribution of these signals in a cellular pattern (column 1, lines 23-33, 58-63). Borth inherently converts the television signals to a cellular pattern as television content does not originate in a cellular format for distribution.

Therefore, it is the combination of Barzegar and Borth which teach each and every element of the independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40, 41, 44, 48, 62, and 69, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barzegar et al. (US 5,574,966) in view of Borth et al. (US 5,878,324)

Regarding claims 40, 41, 62, and 69, , Figure 1 of Barzegar et al. (illustrates a system for providing a broadcast service method for enabling the reception of television broadcasts by a mobile telephone subscriber terminal [124]. The method comprises "converting a broadcast television signal including digital video and audio data" (Col 2, Lines 18-27 and Col 2, Lines 62-67) "into a format compatible with a signal and

transmission standard of a mobile telephone network" (Figure 3; Col 3, Lines 47-53; Col 4, Lines 33-49) and "provides the converted format video and audio signal directly to a mobile network transmitter" [103] (Figure 2). Subsequently, the system "transmits the converted digital video and audio data to a subscriber of the mobile cellular telephone network through a certain transmission channel of the mobile telephone network" (Col 2, Lines 32-38; Col 4, Lines 33-48). Barzegar et al. is unclear whether its 'sectorized telephone network' is necessarily a 'cellular telephone network', though the term 'sectoring' is commonly associated with the dividing cellular phone antenna into areas of coverage.

The exemplary Borth et al. reference discloses sending video signals using a 'mobile cellular phone network'. Accordingly, it would have been obvious to use a 'cellular' network as taught by Borth for the purpose of more efficiently distributing multimedia by using a cellular pattern (Borth: Col 1, Lines 23-33).

Regarding claim 44, Barzegar discloses a transcoder 211. See Figure 3; Col 3, Lines 47-53; Col 4, Lines 33-49.

Regarding claim 48, the allotting of at least one transmission channel is met by the combination of Barzegar and Borth, namely Barzegar discloses at column 4, lines 1-19, that the antenna transmits its respective signals into a corresponding sector.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter Lonsberry/
Hunter B. Lonsberry
Primary Examiner
Art Unit 2623